

Powder River Basin Resource Council * Natural Resources Defense Council
Lone Tree Council * Citizens for Alternatives to Chemical Contamination
Multicultural Alliance for a Safe Environment * Information Network for Responsible Mining
New Mexico Environmental Law Center * Western Organization of Resource Councils
Clean Water Alliance * Coloradoans Against Resource Destruction
Uranium Watch * Southwest Research and Information Center

May 27, 2015

Air and Radiation Docket
Environmental Protection Agency
Mailcode 2822T
1200 Pennsylvania Ave., NW
Washington, DC 20460
Submitted via electronic mail to: a-and-r-docket@epa.gov

RE: Docket ID No. EPA-HQ-OAR-2012-0788, Proposed Revisions to Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings, 40 CFR Part 192

To whom it may concern:

Thank you for the opportunity to submit comments on EPA's proposed revisions to its health and environmental protection standards for uranium and thorium mill tailings, including in 40 C.F.R. Part 192. These comments are submitted by organizations across the country that work on addressing the impacts of uranium mining and milling operations, including currently operating and proposed in-situ leach (ISL)¹ uranium facilities. Our organizations' members are concerned about the impacts to ground and surface water resources caused by ISL uranium facilities.

We appreciate EPA's efforts in bringing this rule package forward, and we encourage the agency to promptly finalize its proposal for a set of new standards specific to ISL facilities. We encourage EPA to adopt robust and scientifically defensible standards that will protect the precious water resources of the Western U.S. As the agency charged with protecting the nation's water resources, it is clearly within your authority to issue strong standards regulating ISL facilities to protect groundwater. In fact, the Uranium Mill Tailings Radiation Control Act provides ample regulatory authority for strong EPA action.²

EPA's proposal has several items of keen interest to our organizations. We appreciate the inclusion of new requirements to characterize baseline water quality, the inclusion of new restoration goals for heavy metals, uranium, and other constituents of concern, and the requirement of long-term stability monitoring. All of these aspects of EPA's proposal are very important given the problems and past history of impacts at ISL facilities in Wyoming,

¹ ISL is also referred to as in-situ recovery or ISR. The two terms are used interchangeably in these comments.

² While some uranium companies have commented that these proposed rules "overstep" EPA's authority - that is not the case. Under the UMTRCA framework, NRC and agreement states will implement these rules during licensing actions, but EPA has specific regulatory authority under the Act to promulgate health and safety standards.

Nebraska, and Texas.³ After decades of operations of these facilities, there is a track record of leaks, excursions, spills and failed restoration attempts. Based on this operational history, we know agencies like EPA must do more to protect water resources. We have attached articles and information related to the problems at ISL facilities demonstrating the need to address these problems. There is a strong basis for robust new requirements to protect water resources.

In particular, our organizations support EPA's proposal for long-term stability monitoring. The costs of this monitoring program are reasonable given the risks to the ore zone and adjacent aquifers. If stability has not occurred, contamination from ISL facilities could spread to adjacent underground sources of drinking water.

However, EPA's proposal falls short in several key ways. As detailed in the attached report from Dr. Richard Abitz, a geochemist with many years of experience reviewing and working on ISL uranium projects, the proposed regulations leave significant gaps in determining baseline water quality. Properly establishing baseline water quality – prior to operations – is critical to determining, assessing, and mitigating impacts to water resources from operations. It is also critical for establishing restoration targets after operations cease.

Additionally, our organizations remain concerned about the use of Alternative Concentration Limits (ACLs) for restoration goals. While EPA's proposal strengthens restoration requirements, specifically with 13 constituents of concern, it leaves in place the option to forgo these restoration requirements the uranium company is having difficulty restoring the aquifer. We call on EPA to disallow ACLs, or at the very least to tighten the requirements and conditions of approval to limit the circumstances in which they apply. To date, no aquifer has been completely restored to baseline conditions at an ISL facility and the industry has relied upon ACLs as a means to stop restoration activities premature of aquifer clean-up. We believe ACLs should be the exception to the rule – not the exception that proves that rule.

Our organizations are also concerned that EPA's proposal does not consider risks to surface and shallow underground water sources from spills at ISL facilities. As documented in the attached information, spills of injection and production fluids are shockingly common at ISL facilities and could be a major source of water contamination. We ask EPA to revise its proposal to account for and prevent impacts to water resources from spills.

EPA's action to protect water resources will have direct health and safety benefits for families and communities impacted by uranium mining and milling activities. We have attached some information on the health risks associated with living near uranium operations, which provides strong justifications for EPA's action.

Thank you for your time and consideration of these comments. We look forward to EPA finalizing this rule package in the near future. Please keep our organizations on your mailing list.

³ ISL facilities are also proposed in New Mexico and South Dakota.

Sincerely,

Shannon Anderson, Staff Attorney
Powder River Basin Resource Council
934 N. Main St.
Sheridan, WY 82801

Geoffrey Fettus, Senior Attorney
Natural Resources Defense Council
1152 15th St. NW, Suite 300
Washington, DC 20005

Terry Miller, Chair
Lone Tree Council
P.O. 1251
Bay City, MI 48706

Wesley Raymond, Administrator,
Citizens for Alternatives to Chemical
Contamination
8735 Maple Grove Road,
Lake, MI 48632-9511

Susan Gordon, Coordinator
Multicultural Alliance for a Safe
Environment
PO Box 4524
Albuquerque, NM 87196

Jennifer Thurston, Executive Director
Information Network for Responsible
Mining
P.O. Box 27
Norwood, CO 81423

Douglas Meiklejohn, Executive Director
New Mexico Environmental Law Center
1405 Luisa Street, Suite 5
Santa Fe, New Mexico 87505

Anna Lucas, Political Director
Western Organization of Resource Councils
110 Maryland Ave. NE #306
Washington, DC 20002

Lilias Jarding
Clean Water Alliance
P.O. Box 591, Rapid City, SD 57709

Jackie Adolph, Outreach Chair
Coloradoans Against Resource Destruction
P.O. Box 599
Wellington, Colorado 80549

Sarah Fields, Program Director
Uranium Watch
PO Box 344
Moab, Utah 84532

Paul Robinson
Southwest Research & Information Center
105 Stanford SE
PO Box 4524
Albuquerque, NM 87196